

## Message Text

CONFIDENTIAL

PAGE 01 STATE 263780

47

ORIGIN IO-03

INFO OCT-01 ISO-00 SSO-00 CCO-00 NSC-05 NSCE-00 SS-10 /019 R

66605

DRAFTED BY: IO:ROBLAKE

APPROVED BY: IO:ROBLAKE

S/S-O:PKJOHNSON

----- 025821

O 111450Z DEC 74 ZFF4

FM SECSTATE WASHDC

TO AMEMBASSY BRUSSELS IMMEDIATE

C O N F I D E N T I A L STATE 263780

TOSEC 44

FOLLOWING REPEAT STATE 263780 SENT ACTION USUN

INFO ALGIERS MADRID NOUAKCHOTT RABAT TUNIS

NOVEMBER 30TH:

QUOTE C O N F I D E N T I A L STATE 263780

E.O. 11652: GDS

TAGS:PFOR,UN, CB, SS

SUBJECT: STATEMENT ON SPANISH SAHARA

REF: USUN 5506

THIS IS TO CONFIRM TELEPHONIC INSTRUCTIONS THAT DELEGATION MAY MAKE, PRIOR TO INTRODUCTION OF SPANISH SAHARA RESOLUTION, FOLLOWING STATEMENT IN FOURTH COMMITTEE IN SUPPORT OF REFERRING QUESTION OF SPANISH SAHARA TO ICJ FOR ADVISORY OPINION:

THE US STRONGLY SUPPORTS THE USE OF THE ICJ IN APPROPRIATE CASES TO RESOLVE DISPUTES AMONG STATES IN A PEACEFUL MANNER. TO THIS END, WE BELIEVE THAT STATES SHOULD ACCEPT THE JURISDICTION OF THE COURT WITH A MINIMUM OF RESERVATIONS OR CONDITIONS, AND THAT RESORT TO THE COURT'S ADVISORY-OPINION PROCEDURE SHOULD BE ENCOURAGED WHENEVER THIS WOULD FACILITATE THE RESOLUTION OF SUCH  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 263780

DISPUTES. WE BELIEVE THAT THE ICJ MAY, IN THIS FASHION, CONTRIBUTE GREATLY TO THE SETTLEMENT OF INTERNATIONAL DISAGREEMENTS IN ACCORDANCE WITH THE PRINCIPLES OF INTERNATIONAL LAW AND A DUE REGARD FOR THE LEGITIMATE INTERESTS OF ALL STATES CONCERNED, WITHOUT RECOURSE TO THE USE OR THREAT OF FORCE.

WE BELIEVE THAT IN THE CASE OF SPANISH SAHARA, THE ICJ COULD FACILITATE A PEACEFUL SOLUTION TO THE DISPUTE BY THE PARTIES CONCERNED BY OFFERING AN OPINION ON THE LEGAL ASPECTS OF THIS PROBLEM, INCLUDING THE HISTORICAL CLAIMS TO THE TERRITORY. THE US CONTINUES TO CONSIDER SPANISH SAHARA A MATTER FOR RESOLUTION BY THE PARTIES INVOLVED. WE URGE THAT THEY REMAIN IN CONTACT AND WORK TO NEGOTIATE A PEACEFUL AND EQUITABLE SOLUTION.

2. YOU SHOULD TELL MOROCCANS THAT WE ARE MAKING STATEMENT BECAUSE IN PRESENT FORM DRAFT RESOLUTION IS NOT SIMPLE AND NON-PREJUDICIAL AND THUS IS OUTSIDE OUR "OMMITMENT TO THEM. (STATE 26L702). BEFORE YOU MAKE STATEMENT, YOU SHOULD INFORM SPANISH MISSION WHAT YOU HAVE TOLD MOROCCANS, POINTING OUT THAT OUR POSITION BASED ON OUR VIEW ICJ ROLE AND OUR UNDERSTANDING THAT GOS NOT OPPOSED TO ICJ ADVISORY OPINION ON SPANISH SAHARA. YOU MAY ADD THAT WHILE WE WOULD SUPPORT SIMPLE RESOLUTION ASKING ICJ FOR ADVISORY OPINION WE ARE NOT COMMITTED TO SUPPORT RESOLUTION WITH PREJUDICIAL PARAGRAPHS.

3. WHEN YOU SPEAK WITH MOROCCANS YOU SHOULD POINT OUT THAT PREAMBULAR PARAGRAPHS 3 AND 4 (FRENCH TEXT) AND OPERATIVE PARAGRAPHS 4 AND 5 CONTAIN LANGUAGE WHICH IS PREJUDICIAL IN THE SENSE THAT IT WOULD BE OFFENSIVE TO SPAIN. (PREAMBULAR PARAGRAPH 3 OF FRENCH TEXT DOES NOT APPEAR IN ENGLISH VERSION IN USUN'S 5506.) THEREFORE, WE PREPARED TO SIGNAL OUR SUPPORT OF ICJ ADVISORY OPINION BY BRIEF STATEMENT IN ADVANCE OF VOTE AND WOULD, OF COURSE, SUPPORT OPERATIVE PARAGRAPH 1 IN SEPARATE VOTE IF THERE IS ONE. INGERSOLL.

UNQUOTE INGERSOLL  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 263780

CONFIDENTIAL

NNN



## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** PFOR  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 11 DEC 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974STATE263780  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** IO:ROBLAKE  
**Enclosure:** n/a  
**Executive Order:** RR  
**Errors:** N/A  
**Film Number:** n/a  
**From:** SECSTATE WASHDC  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19741241/aaaabjju.tel  
**Line Count:** 107  
**Locator:** TEXT ON-LINE  
**Office:** ORIGIN IO  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** USUN 5506, THIS IS TO CONFIRM TELEPHONIC INSTRU, TION MAY MAKE, PRIOR TO INTRODUCTION OF SPANISH SAH, RESOLUTION, FOLLOWING STATEMENT IN FOURTH CO MMIT  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 08 APR 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <08 APR 2002 by boyleja>; APPROVED <15-Aug-2002 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** STATEMENT ON SPANISH SAHARA  
**TAGS:** CB, UN, SS  
**To:** BRUSSELS  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005